

TAM:SRC:mel

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DOUGLAS HENRY THORNTON,	:	
Plaintiff	:	No. 1:CV-00-1590
	:	
v.	:	(Kane, J.)
	:	
MR. LINDSEY, Associate Warden,	:	
et al.,	:	Filed Electronically
Defendants	:	

DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

Defendants request the Court for a fifteen-day enlargement of time, pursuant to Fed. R. Civ. P. 6(b), in which to respond to the allegations of plaintiff's complaint. Defendants state the following in support thereof:

1. Plaintiff is Douglas Henry Thornton, a former inmate incarcerated at the United States Penitentiary in Lewisburg, Pennsylvania.

2. On September 11, 2000, Thornton filed a complaint under Bivens against Associate Warden Lindsey, SIS Lieutenant Morin, DHO Emory, and "Unknown Officers." Essentially, Thornton alleges that, while confined to the United States Penitentiary in Lewisburg, Pennsylvania, he was assaulted by staff, that staff issued fabricated incident reports, and that DHO Emory made untrue statements in his disciplinary report.

3. On September 3, 2003, the Court directed service of process. The individual defendants were served with the summons and complaint, by certified mail, on September 18, 2003.

4. In order to appropriately respond to Thornton's allegations, the United States Attorney's Office requested litigative assistance from agency counsel at USP Lewisburg. A litigation report was due from agency counsel by November 3, 2003.

5. On November 6, 2003, agency counsel informed the United States Attorney's Office that she had not yet completed her investigation into Thornton's allegations and, as such, was not able to submit a timely litigation report.

6. Due to agency counsel's other workload considerations, including a recent three-day trial before the Honorable J. Andrew Smyser and other litigation reports and discovery matters also requiring her immediate attention, defendants request a fifteen-day enlargement of time in which to respond to the complaint.

7. Defendants submit that plaintiff will not be prejudiced by this enlargement of time as it will allow agency counsel and the undersigned additional time in which to investigate plaintiff's claims and to prepare a responsive pleading which is thorough and complete in all respects.

WHEREFORE, on behalf of defendants, the United States Attorney's Office requests a enlargement of time until December

2, 2003, to respond to the complaint. Counsel certifies that he has not sought the concurrence of plaintiff because plaintiff is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

s/ Stephen R. Cerutti
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Dated: November 17, 2003

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MIDDLE DISTRICT OF PENNSYLVANIA

DOUGLAS HENRY THORNTON,	:	
Plaintiff	:	No. 1:CV-00-1590
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on November 17, 2003, she served a copy of the attached

DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Douglas Henry Thornton
1014 David Hill Avenue
Baltimore, MD 21213

s/ Michele E. Lincalis
MICHELE E. LINCALIS
Paralegal Specialist